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Item 23 of the preliminary list*
Question of the Falkland Islands (Malvinas)

Letter dated 10 June 2009 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to refer to the report of the Secretary-General on the implementation of decolonization resolutions adopted since the declaration of the First and Second International Decades for the Eradication of Colonialism (A/64/70), to be submitted to the General Assembly at its sixty-fourth session under item 39 of the preliminary list, "Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples".

In the section of the report that reproduced information received from Member States in response to the note verbale dated 30 January 2009 from the Secretariat, the information reported by the United Kingdom of Great Britain and Northern Ireland stated that "[n]ew constitutions came into force ... most recently, in the Falkland Islands on 1 January 2009".

The Argentine Republic firmly rejects the inclusion in the report of the Secretary-General, and in all documentation produced by the Secretariat of the United Nations or by any of its bodies and subsidiary organs, of references implying an alleged control or jurisdiction of the United Kingdom of Great Britain and Northern Ireland over the Malvinas, South Georgia and/or South Sandwich Islands, which are an integral part of the Argentine national territory.

The United Nations has repeatedly recognized the existence of a sovereignty dispute relating to the question of the Malvinas Islands and has consistently reiterated that the way to put an end to the special and particular colonial situation in the said question is the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland, requesting both Governments to resume negotiations in order to find, as soon as possible, a just and lasting solution to the dispute.

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In addition, the United Nations has requested the parties to the dispute to refrain from adopting unilateral measures while the Islands undergo the process of bilateral negotiations called for by the United Nations.

This mandate is contained in General Assembly resolutions 2065 (XX) of 16 December 1965, 3160 (XXVIII) of 14 December 1973, 31/49 of 1 December 1976, 37/9 of 4 November 1982, 38/12 of 16 November 1983, 39/6 of 1 November 1984, 40/21 of 27 November 1985, 41/40 of 25 November 1986, 42/19 of 17 November 1987 and 43/25 of 17 November 1988, and resolutions of the Special Committee on Decolonization A/AC.109/756 of 1 September 1983, A/AC.109/793 of 21 August 1984, A/AC.109/842 of 9 August 1985, A/AC.109/885 of 14 August 1986, A/AC.109/930 of 14 August 1987, A/AC.109/972 of 11 August 1988, A/AC.109/1008 of 15 August 1989, A/AC.109/1050 of 14 August 1990, A/AC.109/1087 of 14 August 1991, A/AC.109/1132 of 29 July 1992, A/AC.109/1169 of 14 July 1993, A/AC.109/2003 of 12 July 1994, A/AC.109/2033 of 13 July 1995, A/AC.109/2062 of 22 July 1996, A/AC.109/2096 of 16 June 1997, A/AC.109/2122 of 6 July 1998, A/AC.109/1999/23 of 1 July 1999, A/AC.109/2000/23 of 11 July 2000, A/AC.109/2001/25 of 29 June 2001, A/AC.109/2002/25 of 19 June 2002, A/AC.109/2003/24 of 16 June 2003, the resolution adopted on 18 June 2004, the resolution adopted on 15 June 2005, the resolution adopted on 15 June 2006, the resolution adopted on 21 June 2007 and the resolution adopted on 12 June 2008.

As stated in paragraph 4 of the working paper prepared by the Secretariat on the question of the Malvinas Islands (A/AC.109/2009/13), the Argentine Government has systematically protested against the so-called process of "constitutional reform" in the Islands, rejecting the measures put in place by the United Kingdom of Great Britain and Northern Ireland for their unilateralism and their blatant disregard of relevant resolutions of the United Nations.

Furthermore, the Argentine Government deems the inclusion of any information pertaining to the Malvinas Islands in the report of the Secretary-General incompatible with the object and purpose of that report which, pursuant to resolution 63/108, is to report to the General Assembly at its sixty-fourth session on the implementation of decolonization resolutions adopted since the declaration of the First and Second International Decades for the Eradication of Colonialism on the questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands and the United States Virgin Islands.

The annual resolution adopted by the General Assembly on the questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands and the United States Virgin Islands and the considerations contained therein are strictly related to the territories referred to in those questions. The question of the Malvinas Islands is subject to separate treatment in specific resolutions that give due consideration to the special and particular features inherent to it, which are derived from the existence of a sovereignty dispute between the Argentine Republic and the United Kingdom of Great Britain of Northern Ireland, as recognized by all United Nations resolutions on this question.

The specificity of the question of the Malvinas Islands requires that the information pertaining to it be included in a report of the Secretary-General to the

General Assembly on the overall implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, not in a report that is the corollary of a resolution that, like the resolution on the Questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands and the United States Virgin Islands, does not deal with the question of the Malvinas Islands.

In this regard, it is worth noting that the Argentine Government replied to the request for information circulated by the Secretariat in preparation of the report of the Secretary-General to the General Assembly, which is due for submission at the midpoint of the Second International Decade for the Eradication of Colonialism, submitting at the time complete and detailed information sustaining the legitimacy of the Argentine position. The Argentine submission was reflected in document A/60/71/Add.1 dated 19 May 2005. The Argentine Government looks forward to submitting further information in support of its position on the question of the Malvinas Islands for inclusion in documentation in which the treatment of the question of the Malvinas Islands should be appropriate, as established in the relevant resolutions of the United Nations.

In light of the above, the Permanent Mission of the Argentine Republic to the United Nations respectfully requests the Secretary-General of the United Nations to have the present note distributed among Member States as a document of the General Assembly, under item 23 of the preliminary list.

(*Signed*) Jorge **Argüello**
Ambassador
Permanent Representative